

MAR 17 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MARK CHARLES THOMAS,

Defendant - Appellant.

No. 04-30273

D.C. No. CR-98-00037-TSZ

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Thomas S. Zilly, District Judge, Presiding

Submitted March 8, 2006**

Before: CANBY, BEEZER and KOZINSKI, Circuit Judges.

Mark Charles Thomas appeals pro se from the district court's order directing the government to dispose of seized property. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Thomas contends that the district court violated his due process rights by failing to hold an evidentiary hearing before granting the government's request to dispose of the seized property. But Thomas did not request an evidentiary hearing, and his unsubstantiated claim of a legal property interest in the seized items was insufficiently specific and detailed to require a hearing in this context. *See Cohen v. United States*, 378 F.2d 751, 760-61 (9th Cir. 1967).

To the extent that Thomas contends that the seizure of the property violated the Fourth Amendment, any constitutional defect in the seizure was cured by his unconditional guilty plea. *See United States v. Floyd*, 108 F.3d 202, 204 (9th Cir. 1997).

AFFIRMED.